

Application No. 10/075,683
Amendment Dated March 11, 2004
Reply to Office Action of January 22, 2004

REMARKS/ARGUMENTS

By this Amendment, the specification (including the Abstract) is amended and claims 1, 2 and 35 are amended. Claims 21-24, 27-29, 31, 34 and 36 have been withdrawn from consideration pursuant to a restriction requirement and are now canceled without prejudice to filing divisional and or continuing applications. Claims 1-20, 25-26, 30, 32-33 and 35 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

REJECTION UNDER 35 U.S.C. § 112:

The Examiner first rejected claims 1-20, 25, 26, 30, 32-33 and 35 under 35 U.S.C. § 112 as failing to comply with the written description requirement. The Examiner stated that the claims are inconsistent with the specification in that he claims recite a film (and method of making the film) which contains a cap film monoaxially oriented in a different direction. However, the Examiner states, the specification only describes a film (and method of making the film) which has a monoaxially oriented cap film adhered to a biaxially oriented polypropylene base layer, the base layer and cap film sharing one axis of orientation.

By the present amendment, applicants amend the independent claims to better state that which the applicants believe to be their invention and to clarify any ambiguity that may have

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existed. Applicants also amend the specification in the Summary of The Invention section and the Abstract which generally tracks the claims of the present invention.

It is now believed that any inconsistency between the claims and the specification have been corrected and it is, therefore, respectfully requested that the Examiner pass the claims, as amended, to allowance and issuance.

The Examiner next rejected claims 1-20, 25, 26, 30, 32-33 and 35 under 35 U.S.C. § 112 as failing to comply with the enablement requirement. Again, based on the claim amendments as discussed above with respect to the rejection for failing to comply with the written description requirement, it believed that this rejection has been overcome. Specifically, the specification now clearly describes the claimed subject matter in such a way as to clearly enable one skilled in the art to make and/or use the invention.

Finally, the Examiner rejected claims 1-20, 25, 26, 30, 32-33 and 35 under 35 U.S.C. § 112 as failing to set forth the subject matter which the applicants regard as their invention. Again, based on the claim amendments as discussed above with respect to the rejection for failing to comply with the written description requirement, it believed that this rejection has been overcome. Specifically, the specification now corresponds in scope with that which the applicants regard as the invention.

While the Examiner has not rejected the application over any references cited in the Examiner's Notice of References cited, none of the references cited teaches or suggests a cap film comprising a non-crystallizable, amorphous polyester layer comprising a sufficient

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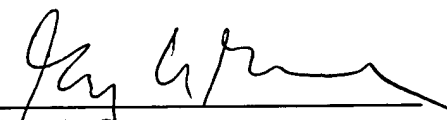
proportion of a non-crystallizable, amorphous polyester to render said amorphous polyester layer non-crystallizable. In fact, the listed patents teach away from such a cap film.

For at least the reasons set forth above, and based on the amended claims, it is clear that the rejections under 35 U.S.C. § 112 have been overcome. It is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.